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5/9/02 2002-87120563-US

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PATENT TRADEMARK OFFICE

Docket No: 2427/1F509US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alessandra D'AZZO; Antonella BONGIOVANNI;
Tommaso NASTASI

Serial No.: 10/014,774

Art Unit: 1645

Confirmation No.: 9922

Filed: October 29, 2001

Examiner: TBA

For: PROTEIN SPECIFIC FOR CARDIAC AND SKELETAL MUSCLE

SUBMISSION OF PROPERTY RIGHTS STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

ATTN: LICENSING & REVIEW

Sir:

In response to the PTO Notice mailed on March 26, 2002 (copy attached), the undersigned submits herewith a Property Rights Statement for the above-identified patent application.

Respectfully submitted,



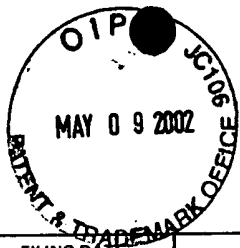
Irina E. Vainberg, Ph.D.

Reg. No. 48,008

Agent for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700

M:\2427\1f509\SS4963.WPD



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/014,774	10/29/01	D'AZZO, ET AL.	2427/1F509US1

DARBY & DARBY P.C.
805 THIRD AVENUE
NEW YORK, NY 10022

DUE: May 10, 2002

Docketed on 4/8 by DP for

Docketed without file ☐

Attorney _____

EXAMINER	
ART UNIT	PAPER NUMBER
	<u>3</u>

PATENT & TRADEMARK OFFICE
DATE MAILED: **MAILED**

MAR 26 2002

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

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Name (Print)

Signature

Customer No.: **29311**

Docket No: 2427/1F509US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Alessandra D'AZZO; Antonella BONGIOVANNI; Tommaso NASTASI**

Serial No.: 10/014,774

Art Unit: 1645

Confirmation No.: 9922

Filed: October 29, 2001

Examiner: TBA

For: **PROTEIN SPECIFIC FOR CARDIAC AND SKELETAL MUSCLE**

PROPERTY RIGHTS STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

April 26, 2002

ATTN: LICENSING & REVIEW

Sir:

I, Alessandra D'AZZO, a citizen of Italy, residing at 159 East Cherry Drive,

Memphis, Tennessee 38117;

I, Antonella BONGIOVANNI, a citizen of Italy, residing at Via Margherito

DA Brindisi, 63, Palermo, Italy, 90100; and

I, Tommaso NASTASI, a citizen of Italy, residing at 1061 Natchez Point,
Memphis, Tennessee 38103;

declare that we made and conceived the invention described and claimed
in patent application Serial No. **10/014,774** filed in the United States of America on
October 29, 2001 entitled **PROTEIN SPECIFIC FOR CARDIAC AND SKELETAL MUSCLE**.

We further declare:

[x] I. That we made and conceived this invention while employed by St. Jude Children's Research Hospital. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of St. Jude Children's Research Hospital. Other relevant facts are: the PCT counterpart of the present application (Application No. PCT/US00/11900 (WO 00/66733)) was published on November 9, 2000. That to the best of our knowledge and belief the present invention is not useful in the production or utilization of special nuclear material or atomic energy as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

That to the best of our knowledge and belief:

[x] III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

–AND–

[x] IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the likes so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Alessandra d'Azzo

Alessandra D'AZZO

DATED: 5/2/02

Antonella Bongianni

Antonella BONGIOVANNI

DATED: 5/2/02

Tommaso NASTASI

Tommaso NASTASI

DATED: 05/02/02